

Amendment and Response [Under 37 C.F.R. §1.116 - Expedited Examining Procedure]

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Applicant(s): Boldogh et al.

Serial No.: 10/691,157

Confirmation No.: 6536

Filed: 22 October 2003

For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF AS
MODULATORS OF INTRACELLULAR SIGNALING MOLECULES**Remarks**

The Office Action mailed March 2, 2006, has been received and reviewed. Claims 1 and 7 having been amended, the pending claims are claims 1-7. Applicants respectfully submit that no new matter and no new issues for examination are raised by the amendments to claims 1 and 7. Reconsideration and withdrawal of the rejections are respectfully requested.

The 35 U.S.C. §112, First Paragraph, Enablement Rejection

The Examiner rejected claims 1-5 and 7 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner asserted that the specification "does not reasonably provide enablement for the method of modulating an intracellular signaling molecule in a cell, or a method of down regulating the HNE mediated oxidative damage associated with lipid peroxidation in a cell . . . wherein the modulator is an active analog of a constituent peptide of colostrinin, and wherein the active analog comprises a peptide having an amino acid sequence with at least about 15 percent proline and having at least about 70 percent sequence identity . . . to a constituent peptide of colostrinin of SEQ ID NOs:1-8" (page 3, Office Action mailed March 2, 2006). Applicants respectfully disagree. However, to expedite prosecution, independent claims 1 and 7 have been amended to remove recitations to active analogs of colostrinin constituent peptides. Applicants reserve the right to continue the prosecution, without prejudice, of claims drawn to active analogs of colostrinin constituent peptides in related applications. Reconsideration and withdrawal of this rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully requested.

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The 35 U.S.C. §112, First Paragraph, New Matter Rejection

The Examiner rejected claims 1-5 and 7 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully submit that this rejection is moot in view of the amendment of independent claims 1 and 7 to correct the inadvertent typographical errors in the recitations of SEQ ID NO:4 and SEQ ID NO:8. Support for these amendments to claims 1 and 7 is found, for example on page 4, lines 8-10 of the specification. Applicants submit that no new matter is added by the amendment of claims 1 and 7. Reconsideration and withdrawal of this rejection is respectfully requested.

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MODULATORS OF INTRACELLULAR SIGNALING MOLECULES**Summary**

It is respectfully submitted that the pending claims 1-7 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of April, 2006, at 12:57pm (Central Time).

By: Sara E. WigantName: Sara E. Wigant